

376

3050

112

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

At a meeting of the County Commissioners for the County of Norfolk, held at Dedham, within and for said County, on the twentieth day of November, 1951, by adjournment of their September meeting next preceding:-

The petition of RAYMOND P. PALMER and others of BRAINTREE in said County, represents as follows:-

Commonwealth of Massachusetts

Norfolk, ss.

To the Honorable the County Commissioners of the County of Norfolk:-

Respectfully represent your petitioners, inhabitants of the town of BRAINTREE in said County, that common convenience and necessity require that the way known as MIDDLE STREET, a public way in said town, be relocated between River Street and Elm Street for the purpose of making alterations in the course or width of said way.

Wherefore your petitioners pray that said way may be relocated within the limits above, specified.

Dated June 8, 1948.

Raymond P. Palmer
John W. Mahar
Albert E. Roberts
Jonathan W. French
John Q. Wentworth

* * * * *

This petition was presented to the Commissioners and duly entered at a meeting of said Commissioners, held at Dedham, aforesaid on the twenty-ninth day of June, 1948, by adjournment of their April meeting next preceding; and the twentieth day of July, 1948 and two-thirty o'clock in the afternoon at the Town Hall in Braintree were appointed by the said Commissioners as the time and place for commencing and proceeding to view the premises; and they thereupon caused a copy of said petition, and of order of notice thereon, to be served upon the Clerk of the Town of BRAINTREE being the town within which such relocation of way was prayed for, fifteen days at least before the time appointed for said view; and also caused copies of an abstract of said petition and of said order of notice to be posted in two public places in said town; and to be published in the BRAINTREE OBSERVER, a newspaper published in said County, said posting and publication having been seven days at least before the time appointed for said view, that all persons and corporations interested for or against said petition, might then and there appear and be heard if they saw fit.

See Plan No. 1456+1457 of 1951 Pp 436-167
Book of Entries Vol. 3055 P. 241
" " " " 3059 " 480

And on the said twentieth day of July, 1948, the Commissioners, Frederick A. Leavitt, Russell T. Bates and Alice P. Kendall (acting in place of Edward W. Hunt) met at the time and place specified in said order, when and where the petitioners appeared, and the town of BRAINTREE was represented by its Selectmen; and the said Commissioners then viewed the route and premises, and heard all persons and corporations interested; and no party interested objected; and thereupon the said Commissioners did adjudge that common convenience and necessity require that said way be relocated as prayed for in said petition.

And upon the adjudication aforesaid, the Commissioners appointed the twenty-second day of May, 1951 and two o'clock in the afternoon at the Town Hall in BRAINTREE as the time and place when they would proceed to and take such action in relation to said adjudication as by law they might be authorized to do.

And having given notice of such adjudication, and of the time and place appointed, and for the purpose aforesaid in the same manner as the notice and publication were given and made before first proceeding to view, the Commissioners met at the time and place appointed and then and there heard all persons and corporations interested, and said hearing was continued and adjourned from time to time to this meeting.

And now the Commissioners, Frederick A. Leavitt, Russell T. Bates and Clayton W. Nash, by courses and distances, metes and bounds, do relocate said MIDDLE STREET as prayed for in said petition.

And the lines of said relocation of said MIDDLE STREET are as follows:-

The westerly line begins at a stone bound on the northerly line of River Street; thence northeasterly by a curve with a radius of 50.00 ft. a distance of 80.62 ft. to a stone bound; thence N-7-58-50-W a distance of 418.65 ft. to a stone bound; thence by a curve to the left with a radius of 30.00 ft. a distance of 47.41 ft. to a stone bound which is on the southerly line of Myrtle Street; thence N-7-09-50-W a distance of 40.01 ft. to a stone bound which is on the northerly line of Myrtle Street; thence northeasterly by a curve with a radius of 30.00 ft. a distance of 46.84 ft. to a stone bound; thence N-7-58-50-W a distance of 50.99 ft. to a stone bound; thence by

a curve to the left with a radius of 2000.00 ft. a distance of 177.93 ft. to a stone bound; thence by a curve to the left with a radius of 600.00 ft. a distance of 211.04 ft. to a stone bound; thence N-33-13-50-W a distance of 63.19 ft. to a stone bound; thence by a curve to the right with a radius of 660.00 ft. a distance of 197.49 ft. to a stone bound; thence N-16-05-10-W a distance of 87.62 ft. to a stone bound; thence by a curve to the left with a radius of 60.00 ft. a distance of 103.14 ft. to a stone bound; thence N-24-34-50-W a distance of 13.00 ft. to a stone bound on the southerly line of Elm Street.

The easterly line begins at a stone bound on the northerly line of River Street, said bound being N-84-24-20-E a distance of 52.13 ft., N-84-20-E a distance of 60.04 ft. and N-81-59-40-E a distance of 40.02 ft. from the first bound on the westerly line as above described; thence northwesterly by a curve with a radius of 40.00 ft. a distance of 62.85 ft. to a stone bound; thence N-7-58-50-W a distance of 163.29 ft. to a stone bound; thence by a curve to the right with a radius of 20.00 ft. a distance of 31.53 ft. to a stone bound which is on the southerly line of Wilson Avenue; thence N-8-17-20-W a distance of 40.00 ft. to a stone bound which is on the northerly line of Wilson Avenue; thence northwesterly by a curve with a radius of 20.00 ft. a distance of 31.30 ft. to a stone bound; thence N-7-58-50-W a distance of 340.90 ft. to a stone bound; thence by a curve to the left with a radius of 2060.00 ft. a distance of 183.26 ft. to a stone bound; thence by a curve to the left with a radius of 660.00 ft. a distance of 232.14 ft. to a stone bound; thence N-33-13-50-W a distance of 63.19 ft. to a stone bound; thence by a curve to the right with a radius of 600.00 ft. a distance of 179.54 ft. to a stone bound; thence N-16-05-10-W a distance of 174.80 ft. to a stone bound; thence by a curve to the right with a radius of 81.89 ft. a distance of 83.52 ft. to a stone bound which is on the southerly line of Elm Street, said bound being N-47-23-10-E a distance of 189.79 ft. from the last bound on the westerly line as above described.

The easterly line heretofore described, in general, is 60.00 ft. easterly from and parallel to the westerly line.

And the said Commissioners do hereby take for the purposes of a highway all the easements and rights incident to

a public highway in the lands included within the lines of location hereinbefore described and the grade thereof is established, except that portion of land belonging to the New York, New Haven and Hartford Railroad Company which is considered their right of way, over which side lines are established, all as shown upon a plan entitled "Plan and Profile showing the Relocation and Widening of a Portion of Middle Street, Braintree from River Street to Elm Street, as made by the Norfolk County Commissioners by Return dated Nov. 20, 1951. Horizontal Scale: 1 inch = 40 feet. Vertical Scale: 1 inch = 8 feet.

Wallace S. Carson, County Engineer" and signed by "Frederick A. Leavitt, Chairman" which plan is filed herewith and made a part of this Return in accordance with the provisions of Chapter 79 of the General Laws and all acts and amendments thereof and in addition thereto.

And the said Commissioners do likewise further take all the easements in lands adjoining the location of said way as hereby established, consisting of the right to have the lands of said location protected by having the surface of the adjoining land slope from the lines of said location as indicated on said plan.

And permanent stone bounds will be erected at the termini and angles of said way relocated as aforesaid.

And it is determined by the Commissioners that all portions of the existing highway lying outside the lines herein established are hereby discontinued.

And it is determined by the Commissioners, that the Inhabitants of the town of BRAINTREE, do within five years from the date of this Return and Order complete said way in a thorough and workmanlike manner and to the acceptance of the County Commissioners.

The travelled part of said way shall be constructed not less than thirty (30) feet in width.

Suitable sidewalks, gutters, culverts, retaining walls, fences and railings shall be constructed, wherever, in the opinion of the County Commissioners, they are needed, provided however, no trees more than one and one half inches in diameter one foot above the ground shall be removed in the course of work done under this paragraph until the County Commissioners have been given notice of the intention to remove such trees and their assent thereto in writing has been given to the Inhabi-

tants of the town of BRAINTREE.

And it is determined by the Commissioners that all the expense of making the relocation of way prescribed in this Return and Order including the expenses of constructing said way, and all land and other damages and expenses incident thereto, be paid by the Inhabitants of the Town of BRAINTREE.

And the Commissioners have heard the proprietors of lands and property, rights and interests, taken or affected by these proceedings, and have considered and estimated the damages sustained in the premises, having had regard to all the damages done to the parties respectively, whether by taking their property or injuring it in any manner, and having allowed by way of set off, the benefits if any, to the property of said parties in the premises, and do estimate and determine the damages to be paid to said parties respectively, in the sum hereafter named; the same to be paid to said parties respectively by the Inhabitants of the Town of BRAINTREE when the lands hereby taken and over which said way is hereby located, have been entered upon and possession taken, for the purpose of constructing said way.

<u>Parcel Number</u>	<u>Owner</u>	<u>Approximate Sq.Ft. Taken</u>	<u>Award</u>
1.	Norris H. Pinault et ux Mtg: Harriet D. Watson	510	150.00
2.	Norris H. Pinault et ux Mtg: Harriet D. Watson	860 Slope easement	125.00
2a.	Norris H. Pinault et ux	930 Slope easement	75.00
3.	Rilla I. South	2440 Slope easement	250.00
4.	Leo A. Maher, Trustee Mtg: Braintree Cooperative Bank	1220 Slope easement	100.00
4a.	Leo A. Maher, Trustee Mtg: Braintree Savings Bank	90 Slope easement	1.00
5.	Edith L. Anderson	90 Slope easement	1.00
6.	Norman H. Elliott et ux Mtg: Alton C. Perry, Trustee	1230 Slope easement	80.00
7.	Norman H. Elliott et ux	1540 Slope easement	45.00
8.	Charles H. Ellis et ux	3870 Slope easement	100.00
9.	Owners Unknown	7340 Slope easement	--
10.	Eleanor L. Logan	3200 Slope easement	250.00
11.	Bernard Watts et ux	640 Slope easement	75.00
12.	Winslow W. Symmes	10 Slope easement	1.00
12a.	George W. Perkins et ux Mtg: Weymouth Savings Bank	10 Slope easement	1.00

<u>Parcel Number</u>	<u>Owner</u>	<u>Approximate Sq.Ft. Taken</u>	<u>Award</u>
13.	Lorenzo Shields et ux Mtg: South Shore Cooperative Bank	30 Slope easement	1.00
14.	Ora N. Fuller et ux Mtg: Braintree Savings Bank	25 Slope easement	1.00
15.	William C. Ross et ux	1090 Slope easement	150.00
16.	Morrison Street	140 Slope easement	No award
17.	Marion N. Doering Mtg: Quincy Savings Bank	360 Slope easement	1.00
18.	James V. Nigrelli et ux Mtg: Quincy Savings Bank	190	1.00
19.	Hilda W. Peterson et al Mtg: Braintree Cooperative Bank	80 Slope easement	1.00
20.	Wesley W. Webber et ux Mtg: John Hancock Mutual Life Insurance Company	60 Slope easement	10.00
21.	Edward J. Smith et ux Mtg: Braintree Cooperative Bank	310	40.00
22.	Margaret P. Ries Mtg: Norfolk County Trust Company	1070 Slope easement	200.00
TOTAL			\$ 1659.00

And having heard the proprietors of lands and property, rights and interests, taken or affected by these proceedings, the Commissioners direct that all said proprietors shall have the right to take off their timber, wood and trees and to remove their buildings, structures, hedges, walls and fences from the lands so taken, at any time within two months from the date on which entry is made or possession taken for the purpose of constructing said way.

FREDERICK A. LEAVITT

RUSSELL T. BATES

CLAYTON W. NASH

COUNTY COMMISSIONERS

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

At a meeting of the County Commissioners, held at Dedham, on Tuesday, the twentieth day of November, 1951, by adjournment of their September meeting next preceding:-

3050

117

